

western PA Pittsburgh

SHANE ALBERT EVERETTS

- V -

case

2:21-CV-1209

Pennsylvania STATE POLICE official capacity

Sgt John Doe "Waltmire"

John Doe Oshlick

John Doe Emery

John Doe McGrady

Transf

MISCONDUCT CATEGORY

MAJOR MINOR INFORMAL RESOLUTION

Butler County Prison

Inmate Number 029813

Inmate Name

EVERETTS, SHANE ALBERT

Cell Assignment

D27

Incident Date Time 08/25/2021 00:00

Date of Report 08/29/2021 00:00

Location Type

D-POD

Location Description

D POD

Offenses

Offense Type Offense Code Description

MAJOR 27-1.A REFUSING AN ORDER:
UP TO 60 DAYS
LOCKDOWN*The Grievances I filed were
about this ISSUE, [REDACTED]*MAJOR 41-8.G VIOLATION OF ANY
RULE OR REGULATION
NOT CONTAINED IN IN
THE INMATE HANDBOOT.B.D. 27-1.I ANY CONDUCT THAT
DISRUPTS THE NORMAL
ROUTINE: UP TO 60
DAYS LOCKDOWN

STAFF MEMBER'S VERSION

On 08-23-2021 at or around 1610 I spoke with you about submitting grievances about a matter that was already investigated and finished. I ordered you to stop submitting said grievances. On 08-25-2021and 08-26-2021 you did submit 3 grievances again about the same issue that was already investigated. You willfully refused an direct order.

These Grievances were not investigated yet. I attempted to [REDACT] serve Sgt Waltmire Waiver of Summons "he told me to go F myself, have my Lawyer do this heaint Signing [REDACT] and to "Pack it up" 4:50 ADg 29

IMMEDIATE ACTION TAKEN AND REASON

MOVED TO THE RHU ON DISCIPLINARY L/D

PRE-HEARING CONFINEMENT

YES NO IF YES

PreHearing Dt/Tm 08/29/2021 16:50

[Signature]

08-29-21

Date

Employee Signature

Person Serving Notice

DATE AND TIME INMATE GIVEN COPY _____

[Signature]

8-29-21

Date

Employee Signature

[Signature]

8-29-21

Supervisor Signature

Motion for
JFP

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner).

UNITED STATES DISTRICT COURT

for the
Western District of PA
Pittsburgh Division

SHANE EVERETTS

Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

Wattmire McGahey
Emery
OSHlick PA State Police

Case No.

2:21-cv-1209

(to be filled in by the Clerk's Office)

15BE/KCB #4

RECEIVED

SEP 10 2021

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shane EverettS

All other names by which

you have been known:

ID Number

Current Institution

Address

Butler County PrisonButler PA 16001

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Sgt WaltmireJob or Title (*if known*)

Shield Number

Employer

Address

Butler Jail200 S WashingtonButler PA 16001

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

OshlickJob or Title (*if known*)

Shield Number

Employer

Address

Butler County Jail200 S WashingtonButler PA 16001

City

State

Zip Code

 Individual capacity Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Emery

Butler County Jail
202 S Washington St
Butler PA 16045

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 4

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Magrady

Butler County Jail
202 S Washington
Butler PA 16001

City

State

Zip Code

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):
 Federal officials (a *Bivens* claim)

 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st Amendment Denial in Booking Call to notify family
8th Amendment - Intentional Denial of Medical Deliberate Indifference
14th Amendment - Deprived of Basic necessities

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance? Not Strip Searched
Denied Medical at time of Booking 2020
~~Was not fed Breakfast lunch or Diner~~
Denied 1 min phone call. Why
Sgt Waltmire Got my footprint for State Police

3. What was the result, if any?

450 Aug 2020 Sgt Waltmire told me to Go fuck myself & to have my lawyer Serve him the complaint and to pack it up.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

They told me not to file any more Grievances.
I am Scarred to file any more.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

They told me Do not file any more Grievances
about this issue

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

The put me in hole for filing Grievances
about not Bein Strip Search, Denicel Medical, Breakfast
Lunch Diner & my 1min Phone calls

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

See Attached

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) Shane Everett

Defendant(s) Justin Baptist

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

21-21-cv-01047

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

re opened w/ payment of
filing fee or Statement of account

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Shane Everett

Defendant(s) Major Justin Baptist, et, al

2. Court (if federal court, name the district; if state court, name the county and State)

USDC Western PA

Defendants

3. Docket or index number

2:21 CV 01047

4. Name of Judge assigned to your case

Lisa Pupo Lenihan

5. Approximate date of filing lawsuit

Aug 6 2020

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Court ordered if plaintiff re submits another motion to proceed in forma pauperis or pays \$1402 filing fee re open case.

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

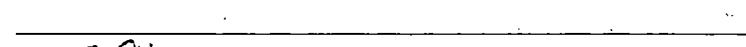
Date of signing:

 September 1

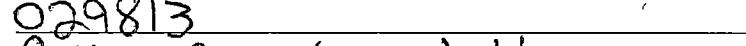
Signature of Plaintiff



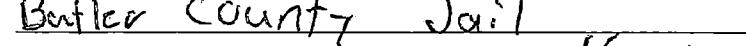
Printed Name of Plaintiff



Prison Identification #

 029813

Prison Address

 Butler County Jail

City

State

Zip Code
16001

B. For Attorneys

Date of signing:



Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Address



City

State

Zip Code

Telephone Number



E-mail Address

